

## Bureau of Land Management, Interior

## § 3602.42

- (1) In the public interest; and
- (2) Impracticable to obtain competition.

(b) BLM will charge the purchaser a processing fee on a case-by-case basis as described in §3000.11 of this chapter.

(c) BLM will not approve multiple noncompetitive sales that exceed a total of 300,000 cubic yards (or weight equivalent) made in any one State for the benefit of any one purchaser, whether an individual, partnership, corporation, or other entity, in any period of 12 consecutive months.

(d) The volume limitations in paragraphs (a) and (c) of this section do not apply to sales in the State of Alaska that BLM determines are needed for construction, operation, maintenance, or termination of the Trans-Alaska Pipeline System or the Alaska Natural Gas Transportation System.

(e) The volume limitations in paragraphs (a) and (b) of this section do not apply if:

(1) BLM determines that circumstances make it impossible to obtain competition; or

(2) There is insufficient time to invite competitive bids, because of an emergency situation affecting public property, health, or safety.

[66 FR 58901, Nov. 23, 2001, as amended at 70 FR 58878, Oct. 7, 2005; 73 FR 35592, June 24, 2008]

### **§ 3602.32 What volume and other limitations pertain to noncompetitive sales associated with public works projects?**

BLM may sell mineral materials not exceeding 400,000 cubic yards (or weight equivalent), at not less than fair market value, without advertising or calling for bids if:

(a) BLM determines the sale to be in the public interest; and

(b) The materials will be used in connection with an urgent public works improvement program on behalf of a Federal, State, or local governmental agency, and time does not permit advertising for a competitive sale.

### **§ 3602.33 How will BLM dispose of mineral materials for use in developing Federal mineral leases?**

(a) If you propose to use mineral materials in connection with developing a

mineral lease issued by BLM, we may, without calling for competitive bids, sell you at fair market value a volume of mineral materials not exceeding a total of 200,000 cubic yards (or weight equivalent) in one State in any period of 12 consecutive months.

(b) If the materials remain within the boundaries of the lease, BLM will not charge for mineral materials that you must move in order to extract minerals under a Federal lease, whether or not you use them for lease development.

### **§ 3602.34 What is the term of a noncompetitive contract?**

BLM will not issue a noncompetitive contract for the sale of mineral materials for a term exceeding 5 years, excluding any contract extension under §3602.27 and any period that BLM may allow for removal of equipment and improvements under §3601.52.

## COMPETITIVE SALES

### **§ 3602.40 Competitive sales.**

In addition to the following sections, §§3602.41 through 3602.49, the provisions of §§3602.11 through 3602.29 also apply to competitive sales.

### **§ 3602.41 When will BLM sell mineral materials on a competitive basis?**

Except for sales from community pits and common use areas under subpart 3603 of this part, and noncompetitive sales under §3602.30 *et seq.*, BLM will make sales only after inviting competitive bids through publication and posting under §3602.42.

### **§ 3602.42 How does BLM publicize competitive mineral materials sales?**

(a) When offering mineral materials for sale by competitive bidding, BLM:

(1) Will advertise the sale by publishing a sale notice in a newspaper of general circulation in the area where the material is located, on the same day once a week for 2 consecutive weeks; and

(2) Will post a sale notice in a conspicuous place in the office where you will submit bids.

(b) In the sale notice, BLM will state: